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# NEWS RELEASE

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## **Summary of Cases Accepted During the Week of January 12, 2009**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#09-01 *Brinkley v. Public Storage, Inc.*, S168806.** (B200513; 167 Cal.App.4th 1278; Los Angeles County Superior Court; BC32009.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Brinker Restaurant Corp. v. Superior Court*, S166350 (#08-157), which presents issues concerning the proper interpretation of California's statutes and regulations governing an employer's duty to provide meal and rest breaks to hourly workers.

**#09-02 *New v. Kroeger*, S168611.** (D051120; 167 Cal.App.4th 800; San Diego County Superior Court; GIN055854.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending finality of decision in *Episcopal Church Cases* (Jan. 5, 2009, S155094) \_\_ Cal.4th \_\_, 2009 WL 18700, which concerns the proper approach for courts to take in resolving disputes between a local congregation and a national church or regional diocese over ownership of church property.

### **STATUS**

**#08-61 *Voices of the Wetlands v. State Water Resources Control Bd.*, S160211.** The court ordered further action in this matter deferred pending the United State Supreme Court's final determination of *Entergy Corp. v. EPA*, No. 07-588, *PSEG Fossil LLC v. Riverkeeper, Inc.*, No. 07-589, and *Utility Water Act Group v. Riverkeeper, Inc.*, et al., No. 07-597, which present issues concerning the application of section 316(b) of

the Clean Water Act (33 U.S.C. § 1326(b)) to the issuance of a National Pollutant Discharge Elimination System permit.

**#07-396 *People v. Feyrer*, S154242.** The court directed briefing in this case, in which briefing was previously deferred pending decision in *People v. Segura* (2008) 44 Cal.4th 921. The case presents the following issue: Did the trial court have the power, over the People's objection, to declare defendant's offense a misdemeanor, terminate probation, and dismiss the case when defendant had pled no contest to a felony charge of assault by means of force likely to produce great bodily injury and had admitted an enhancement for the personal infliction of great bodily injury?

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